

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DIARBRO L. WILLIAMS,

Plaintiff,

v.

Case No. 20-cv-504-pp

SGT. HEASTHAVEN,  
and NURSE MICHELLE,

Defendants.

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**ORDER SETTING DEADLINE FOR PLAINTIFF TO RESPOND TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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Diarbro L. Williams, who is representing himself, filed a complaint under 42 U.S.C. §1983. On July 22, 2021, the defendants filed motions for summary judgment. Dkt. Nos. 75, 81. Under Civil Local Rule 56(b)(2) (E.D. Wis.), the plaintiff's response materials are due within thirty days of service of the motions—**by August 23, 2021**. This means that he must file those materials in time for the court to *receive* them by August 23, 2021.

The plaintiff must respond to each of the defendants' proposed findings of fact (Dkt. Nos. 79, 82), either by agreeing with the proposed fact or explaining why he disagrees with the proposed fact. If the plaintiff does not either agree or disagree with a proposed fact, the court will assume that he agrees with that proposed fact. The plaintiff must support every disagreement with a proposed fact by citing to evidence. He can do that by relying on documents that he attaches to his response or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C.

§1746.<sup>1</sup> An unsworn declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. The plaintiff also must respond to the legal arguments in the defendants' briefs (Dkt. Nos. 76, 83) by explaining why he disagrees with those arguments.

If the court has not received the plaintiff's written response in opposition to the defendants' summary judgment motions **by August 23, 2021**, the court has the authority to treat the defendants' motions as unopposed, accept all facts asserted by the defendants as undisputed and decide the motions based only on the arguments in the defendants' briefs, without any input from the plaintiff. That means that the court likely will grant the defendants' motions and dismiss the case.

The court **ORDERS** that if, by the end of the day on **August 23, 2021**, the court has not received either the plaintiff's response to the defendants' motions for summary judgment or an explanation for why he cannot timely file a response, the court will treat the defendants' motions as unopposed, that is, without considering a response from the plaintiff.

Dated in Milwaukee, Wisconsin this 23rd day of July, 2021.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**Chief United States District Judge**

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<sup>1</sup> At the bottom of his declaration the plaintiff should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. §1746(2).